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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/912,821	07/25/2001	Jay Muse	112054-0008	7124

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CESARI AND MCKENNA, LLP
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EXAMINER

EHICHIOYA, FRED I

ART UNIT	PAPER NUMBER
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2172

DATE MAILED: 09/15/2003

3

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/912,821

Applicant(s)

MUSE, JAY

Examiner

Fred I. Ehichioya

Art Unit

2172

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1 - 11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other:

DETAILED ACTION

1. Claims 1 – 11 are pending in this office action.
2. Information Disclosure Statement (PTO-1449) Paper No. 2 is considered.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1, 3, 6, 7, 8, 9, 10 and 11 are rejected under 35 U.S.C 102(e) as been anticipated by U.S. Patent 6,219,669 issues to Maurice W. Haff et al (hereinafter "Haff").

Regarding claim 1, Haff teaches a system for transferring files to a remote host comprising:

- a local device (see column 10, line 7);

- a remote device (see column 10, line 5);

- a communications network (see column 10, line 7);

- the local device programmed to perform the steps of:

- A) store a plurality of files on a first mass storage unit (see column 2, lines 51 – 54; column 6, lines 28 – 31 and column 9, lines 6 – 9);

- B) wait until a preset time (see column 6, lines 19 – 21);

- C) connect to the remote device after the preset time, the connection made through the communications network (see column 8, lines 21 – 40; column 10, lines 3 – 16 and lines 27 – 31); and

- D) transfer the plurality of files to the remote device via the communications network (see column 7, lines 16 – 20);

- the remote device programmed to perform the steps of:

- E) wait until the preset time (see column 6, lines 19 – 21);

- F) accept, in response to the communications network not being used and in response to the preset time, a connection request from the local device via the communications network (see column 8, lines 41 – 52);

G) receive the plurality of files in response to a grant of the connection request, the files received through the communications network from the local device (see column 7, lines 38 – 45; column 9, lines 55 – 67 and column 10, lines 20 – 26);

H) store the plurality of files on a second mass storage unit (see column 2, lines 51 – 54; column 6, lines 28 – 31 and column 9, lines 6 – 9); and

I) when ordered to by the remote host, transfer the plurality of files from the second mass storage unit to the remote host (see column 7, lines 46 – 52 and column 10, lines 41 – 47).

Regarding claim 3, Haff teaches a local host, the local host transmitting the plurality of files to the local device (see column 10, lines 20 – 26).

Regarding claim 6, Haff teaches a message transmitted to the remote host (see column 8, lines 53 – 59):

Regarding claim 7, Haff teaches wherein the communications network further comprises: a public switched telephone network (see column 2, lines 4 – 6 and column 6, lines 25 – 28).

Regarding claim 8, Haff teaches a device for transferring and storing files comprising:

a data transfer unit, said data transfer unit capable of communicating with a host via a plurality of data transfer protocols (see column 44, lines 45 – 62);

a plurality of mass storage units (see column 7, lines 67);

a modem connected to a phone line (see column 2, lines 7 – 17 and column 29, lines 12 – 26); and

a control unit (see column 29, line 62);

the control unit is programmed to have the device perform the steps of:

A) receive a plurality of files from a local host via the data transfer unit (see column 11, lines 65 – 67 and column 12, lines 1 – 4);

B) store the plurality of files on the plurality of mass storage units (see column 2, lines 51 – 54; column 6, lines 28 – 31 and column 9, lines 6 – 9);

C) wait until a time frame set by the remote device (see column 13, lines 8 – 13);

D) connect to a remote device via the modem (see column 2, lines 7 – 17 and column 29, lines 12 – 26); and

E) transfer the plurality of files to the remote device (see column 13, lines 23 – 35).

Regarding claim 9, Haff teaches a device for transferring and storing files comprising:

a data transfer unit, said data transfer unit capable of communicating with a host via a plurality of data transfer protocols (see column 44, lines 45 – 62);

a plurality of mass storage units (see column 2, lines 51 – 54);

a modem connected to a phone line (see column 2, lines 7 – 17 and column 29, lines 12 – 26); and

a control unit (see column 29, line 62);

the control unit is programmed to have the device perform the steps of:

A) wait until a preset time (see column 6, lines 19 – 21);

B) accept connection requests from the modem (see column 29, lines 12 – 26);

C) receive, in response to a grant of the connection request, a plurality of files via the modem (see column 29, lines 19 – 26);

D) store the plurality of files on the plurality of mass storage units (see column 2, lines 51 – 54; column 6, lines 28 – 31 and column 9, lines 6 – 9).

Regarding claim 10, Haff teaches a method for transferring a plurality of files to a remote host comprising the steps of:

A) storing the plurality of files on a first mass storage unit (see column 2, lines 51 – 54; column 6, lines 28 – 31 and column 9, lines 6 – 9);

B) waiting until a preset time, the preset time being determined by the remote host of the files (see column 6, lines 19 – 21);

C) connecting to a remote device after the preset time, the connection occurring via a communications network (see column 8, lines 21 – 40; column 10, lines 3 – 16 and lines 27 – 31);

D) transferring the plurality of files to a remote device via the communications network (see column 7, lines 16 – 20).

Regarding claim 11, Haff teaches a method for receiving a plurality of files comprising the steps of:

A) waiting until a preset time (see column 6, lines 19 – 25);

B) accepting, after the preset time, a connection request from a local device via a communications network (see column 8, lines 41 – 52);

C) receiving the plurality of files, in response to a grant of the connection request, from the local device (see column 7, lines 38 – 45; column 9, lines 55 – 67 and column 10, lines 20 – 26);

D) storing the plurality of files on a mass storage device (see column 2, lines 51 – 54; column 6, lines 28 – 31 and column 9, lines 6 – 9);

E) transferring the plurality of files to a remote host, the transfer occurring when requested by the remote host (see column 7, lines 46 – 52 and column 10, lines 41 – 47).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Haff in view of U.S. Patent 6,381,589 issued to JP Leon (hereinafter "Leon").

Regarding claim 2, Haff discloses the claimed subject matter, as discussed in claim 1. Haff shows in figure 1, a computer network connects multiple PCS 10 via User Datagram Protocol (UDP) for transferring files. Haff does not explicitly teach a universal serial bus (USB) connector, the USB connector connected to the local device such that the local device can receive files via the USB connector.

Leon teaches a universal serial bus (USB) connector, the USB connector connected to the local device such that the local device can receive files via the USB connector (see column 4, lines 50 – 54).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine teaching of Haff with the teaching of Leon wherein the USB can be substituted for UDP. Universal Serial Bus can also connect multiple PCs and serves the same purpose of communicating/transferring data between local and remote devices. The motivation is that USB can connect up to 127 peripherals, such as

external CD-ROM drives, printers, modems, mice, and keyboards, to the system through a single, general-purpose port.

5. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haff in view of U.S. Patent 6,198,920 issued to William Doviak et al (hereinafter "Doviak").

Regarding claim 4, Haff discloses the claimed subject matter, as discussed in claim 1. Haff discloses in column 8, lines 21 – 28 "a computer data signal embodied in a propagation medium is provided. The signal enables a variable number of data transfers and includes an initial connection source code segment and a data transfer source code segment. The initial connection source code segment establishes a connection between two devices via predetermined listening ports, with at least one predetermined listening port residing within each device". Haff does not explicitly teach means for issuing a warning signal in response to both the communications network being used and in response to the preset time.

However, Doviak teaches means for issuing a warning signal in response to both the communications network being used and in response to the preset time (see column 13, lines 56 – 62).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine teaching of Haff with the teaching of Doviak wherein inbound/outbound data event handler issues a signal in response to communications network. The motivation is that data event handler indicates when the data is available to both the local and remote devices.

Regarding claim 5, Haff discloses the claimed subject matter, as discussed in claim 4. Haff discloses in column 2, lines 7 – 9 a modem that enables file transfers and communications and communications between computers. Haff also shows in column 11, lines 38 – 42, a method of periodically determining whether each remote device is actively connected to a local device. Haff does not explicitly teach an audible sound.

Doviak teaches an audible sound (see column 32, lines 63 – 67 and column 33, lines 3 - 6).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine teaching of Haff with the teaching of Doviak wherein an muting function can be substituted for modem and the device that periodically determining whether each remote device is actively connected to a local device. Muting function is used for receiving the transmit grant signal from the radio. The motivation is that the muting function can be used for silencing received signals rather than voice traffic, which enables a remote user to mute the audible noise of the data traffic, which can be annoying to the remote user.


Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fred I. Ehichioya whose telephone number is 703-305-8039. The examiner can normally be reached on M - F 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y. Vu can be reached on 703-305-4393. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-303-3900.

Fred I. Ehichioya
Examiner
Art Unit 2172
September 5, 2003


SHAHID ALAM
PRIMARY EXAMINER